

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12156, of Lucy A. DeCarlo, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the use provisions Section 4101 to permit a real estate office in the SP District on the first floor (1st) of the premises 1313 M Street, N.W., Lot 804, Square 245.

HEARING DATE: June 22, 1976

DECISION DATE: July 13, 1976 (Executive Session)

FINDINGS OF FACT:

1. The subject property is a residential apartment building of six (6) units located in a SP District.
2. The last certificate of occupancy was issued for the use of the premises as an apartment house.
3. Presently five (5) of the units are rented to tenants. The first floor (1st) front apartment is vacant and applicant seeks the Board's permission to use said unit as a two (2) person real estate office.
4. Applicant, a real estate broker, owns the subject building and finds it economically feasible to use the subject unit as her office.
5. The Advisory Neighborhood Commission (ANC 2C-02), the North Dupont Citizens Association and the Dupont Circle Association objected to the granting of this application on the grounds that there was no need for the admission of a commercial operation in property zoned as residential and that commercially zoned property is available for applicant's use.
6. Applicant has indicated that it would be an economic hardship for her if she has to seek space in premises other than the subject one.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the use sought herein is not a use that belongs or is permitted in the SP District. The use as a commercial use and, ordinarily, commercial office spaces are not permitted unless it is proved that said space cannot be used for their zoned use. The Board further concludes that under the regulations the hardship to be proved herein must exist with the property. It is not a personal hardship. Applicant has not met the burden of proof in establishing the issue of hardship as stated in the Regulations nor that the subject space cannot be used as a residence.

Application No. 12156
Page 2

Accordingly, it is
ORDERED that this application is DENIED.

VOTE 4-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, Esq.,
William F. McIntosh and William S. Harps).

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D. C.

ATTESTED BY: Arthur B. Hatton
ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 3-14-77